

Zhu
RCE

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on April 3, 2006.

Luz C. Braunsteiner
(Typed Name of Person Signing)

Luz C. Braunsteiner
Signature



PATENT

Application No. 10/826,929

Attorney Docket No. 57657/04-265

Page 1 of 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Alexander LAI

Serial No.: 10/826,929

Filed: 04/16/2004

Confirmation No.: 1334

Title: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus

Group Art Unit: 1648

Examiner: Salvoza, M. Franco

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. Section 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
 - i. [X] Prior to abandonment of the application

- ii. Payment of the issue fee
 - Prior to payment of issue fee
 - Issue fee has been paid but a petition under Section 1.313 has been granted
- iii. Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
- iv. Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
 - Commencement of a civil action under 35 U.S.C. 146
 - Prior to the filing of such appeal or commencement of civil action
 - Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

- An information disclosure statement (37 C.F.R. Section 1.98)
 - Form PTO-1449 (PTO/SB/08A and 08B)
- An amendment
- New arguments
- New evidence in support of patentability
- Other:

FEE FOR REQUEST (37 C.F.R. Section 1.17(e)).

4. This application is on behalf of:

- | | |
|---|-----------|
| <input type="checkbox"/> Small entity | \$ 395.00 |
| <input checked="" type="checkbox"/> Other than a small entity | \$ 790.00 |

Continued Prosecution Request Fee \$ 790.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN SMALL ENTITY	
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	Rate	Addit. Fee
Total 18	Minus 19	= 0	x \$25 =	\$.00	x \$50 =	\$.00
Independent 1	Minus 1	= 0	x \$100 =	\$.00	x \$200 =	\$.00
[] First Presentation of Multiple Dependent Claim			+ \$140 =	\$.00	+ \$250 =	\$.00
	Total Additional Fee			\$.00		\$.00

(c) [] No additional fee is required.

OR

(d) [] Total additional fee required is \$ _____.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

(a) [] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

PATENT
Application No. 10/826,929
Attorney Docket No. 57657/04-265
Page 4 of 5

Extension for (months)	Fee for small entity	Fee for other than small entity
[] one month	\$ 60	\$ 120
[] two months	\$225	\$ 450
[] three months	\$510	\$ 1,020
[] four months	\$795	\$1,590

Fee: \$.00

If an additional extension of time is required, please consider this a petition therefor.

[] An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$.00

OR

(b) [X] Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$ 790.00

Fee(s) for additional claims (if any) (Section 1.16(b)-(d)) \$.00

Extension of time fee (if any) (Section 1.17(a)(1)-(4)) \$.00

Total Fee(s) Due: \$ 790.00

PATENT
Application No. 10/826,929
Attorney Docket No. 57657/04-265
Page 5 of 5

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- [] A check is attached for the sum of \$_____.
- [] Charge Account 06-0540 the sum of \$_____.
- [] A duplicate of this Cover Sheet is attached.
- [X] Charge Credit Card the sum of \$790.00.
- [X] Credit Card Payment Form (PTO-2038) is attached in duplicate.

9. Please charge any required additional fee(s) for Section 1.17(e), Section 1.16(b)-(d) and/or Section 1.17(a)(1)-(4) and/or refund any monies to:

- [X] Deposit Account 06-0540.
- [] Credit Card (Credit Card Payment Form (PTO-2038) attached.)

Respectfully submitted,

4/3/06
DATE


SIGNATURE OF PRACTITIONER

Reg. No.: 36,050

R. Alan Weeks

Tel. No.: (918) 599-0621

321 S. Boston Ave., Suite 800

Customer No.: 22206

Tulsa, OK 74103-3318